

2007 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB342)

Received: **08/23/2007**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Larry Konopacki**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.wisconsin.gov**

Carbon copy (CC:) to: **larry.konopacki@legis.wisconsin.gov**
mark.patronsky@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Captive nonnative large cats; enforcement provisions

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P1	mglass 09/03/2007	kfollett 09/04/2007	nnatzke 09/05/2007		lparisi 09/05/2007		
/P2	mglass 09/21/2007		pgreensl 09/21/2007		mbarman 09/21/2007		
/P3	rnelson2 09/24/2007	jdyer 09/24/2007	rschluet 09/24/2007		lparisi 09/24/2007		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P3	rnelson2 09/24/2007	jdye 09/24/2007	rschluet 09/24/2007	10/17 _____	lparisi 09/24/2007		

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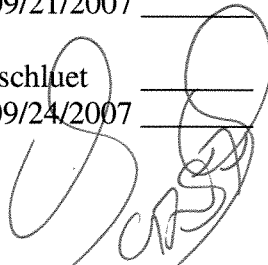
Instructions:

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/P3	rnelson2 09/24/2007	jdyer 09/24/2007	rschluet 09/24/2007	_____	lparisi 09/24/2007		

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mark.patronsky@legis.wisconsin.gov

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Handwritten notes: P3 9/24/07, CR 47

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By/Representing: Larry Konopacki

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May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies: e-mail to

Submit via email: YES

leg
council { Larry Konopacki
Mark Patonisky

Requester's email: Rep.Albers@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

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Topic:

Captive nonnative large cats; enforcement provisions

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/P1	mglass 09/03/2007	kfollett 09/04/2007	nnatzke 09/05/2007	<u>9/5</u> 9/5	lparisi 09/05/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB342)

Received: 08/23/2007

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Larry Kapanke**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

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See Attached

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FE Sent For:

<END>

Gibson-Glass, Mary

From: Konopacki, Larry
Sent: Friday, August 31, 2007 9:05 AM
To: Griffiths, Terri
Cc: Gibson-Glass, Mary
Subject: Big cats amendment

Hi Terri,

Per your request, the following is a summary of the changes requested in the amendment to AB 342:

- Change the proposal so that a citation would not be under DNR's chapter 23 citation process, allow law enforcement officers to issue citations to be processed in circuit court.
- Page 3, line 21 – change “who in” to “whom”
- Page 4, line 21 – take out comma
- Page 5, line 20-23 – make list of agencies non-exclusive and discretionary
- Page 6, line 1 – change “are” to “is”
- Create aggravated penalties for

In addition, I have also asked Mary to include DNR rulemaking authority to add additional nonnative species to the list, including species not in the family Felidae.

Thanks,

Larry

Larry Konopacki
Wisconsin Legislative Council
608-267-0683
larry.konopacki@legis.wisconsin.gov

LPS: fix request
sheet name pls.

2007 - 2008 LEGISLATURE

ASA

to

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RNR

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D-Note

2007 ASSEMBLY BILL 342

May 21, 2007 - Introduced by Representative ALBERS. Referred to Committee on Natural Resources.

Regen

- 1 AN ACT *to amend* 169.04 (4) (b) (intro.), 169.31 (title) and 169.36 (9) (b); and *to*
2 *create* 169.01 (25r), 169.04 (4m), 169.31 (5) and 169.45 (2m) of the statutes;
3 *relating to:* possession of certain nonnative wild animals of the family felidae
4 *providing a penalty,* and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, with some exceptions, a person must have a license issued by the Department of Natural Resources (DNR) to possess or exhibit a native captive wild animal. As for captive wild animals that are not found in North America, no license is required for species except for certain wild birds and nonnative bears.

This bill requires that any nonnative "large cat" must be registered with DNR by the person who owns or otherwise possesses the cat (owner) unless the person is in possession of the cat for not more than 24 hours. The large cats that are covered by the bill are lions, tigers, leopards, jaguars, pumas, and cheetahs. The bill also prohibits an owner of such a cat to charge a fee for photographing or filming the animal. The bill specifies the information that must be provided at the time of registration and includes such items as the name and address of the person from whom the large cat was acquired and whether, to the best of registrant's knowledge, the cat has caused any physical injury to any individual. The owner must also provide DNR information when the owner no longer possesses the large cat, including the conditions under which the owner ceased to have possession, such as sale of the cat, or the fact that the cat has died or escaped. The bill requires DNR to maintain an electronic database that includes the information provided by the owner

ASSEMBLY BILL 342

and to provide the information concerning each large cat to the county in which the cat is located. Finally, the bill requires the Department of Commerce to promulgate rules establishing minimum standards for enclosures in which these large cats are kept.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 169.01 (25r) of the statutes is created to read:

169.01 (25r) "Physical injury" means lacerations, fractured bones, internal injuries, severe bruising, great bodily harm as defined in s. 939.22 (14), or death.

SECTION 2. 169.04 (4) (b) (intro.) of the statutes is amended to read:

169.04 (4) (b) (intro.) A- Subject to sub. (4m), a person is exempt from holding a license or other approval as required under this chapter to possess live nonnative wild animals that are not endangered or threatened species, except for any of the following:

SECTION 3. 169.04 (4m) of the statutes is created to read:

169.04 (4m) NONNATIVE WILD ANIMALS OF THE FAMILY FELIDAE (a) A person shall register with the department each nonnative wild animal that the person possesses that is not designated as a harmful wild animal under s. 169.11 (1) (a) or under the rules promulgated under that paragraph and that is one of the following or a hybrid of one or more of the following:

1. A lion.
2. A tiger.
3. A leopard.
4. A snow leopard.
5. A clouded leopard.

(b) In addition to the wild animals listed under par. (a), the department may designate by rule additional wild animals, or hybrids thereof,

an exempt

no scoring ↑ that is exempt from an exempt
live nonnative wild animal under

S. 169.045
(4)(b)

par.
(b)

INS
2-1

③ Possession of nonnative wild animals;

③ 169.045 SECTION 3. 169.04 (4m) of the statutes is created to read: ③ NO CS ① REGISTRATION REQUIRED

for which registration is required under this section

① OTHER WILD ANIMALS

live nonnative
par. (a)
P. 3

PHOTOGRAPHING; FILMING

(3) TEMPORARY POSSESSION.

(3) TEMPORARY POSSESSION.

(3) TEMPORARY POSSESSION.

insert
from
p. 2

Subsection (1)

~~0.169,043 sub. 5.169.04~~

(d) A person who possesses a nonnative wild animal subject to par. (a) shall register the nonnative wild animal and shall provide all of the following information to the department for each nonnative wild animal:

1. The registrant's complete legal name and any trade name under which the registrant possesses the nonnative wild animal.

2. The registrant's address and telephone number.

3. The address and legal description of the location at which the registrant possesses the nonnative wild animal.

4. The species of the nonnative wild animal.

5. The date of birth of the nonnative wild animal, or the approximate date of birth if the date of birth is unknown.

6. The date that the registrant took possession of the nonnative wild animal.

21

7. The name, address, and telephone number of the person from who in the registrant purchased or acquired the nonnative wild animal. If the registrant did not purchase or acquire the nonnative wild animal from another person, the manner in which the registrant took possession of the nonnative wild animal.

ASSEMBLY BILL 342

SECTION 3

1 (n) 8. To the best of the registrant's knowledge, a detailed description of the extent
2 of any physical injury caused by the nonnative wild animal to any individual at any
3 time during or prior to the registrant possessing the nonnative wild animal, and the
4 circumstances surrounding ~~such~~ ^{the physical} injury.

5 (i) 9. Any additional information that is required by the department by rule.

6 (b) ~~(a)~~ ^{REGISTRATION DEADLINES. (a)} A person shall submit the registration under par. ~~(d)~~ and the required fee
7 under s. 169.31 (5) to the department in the following manner:

8 1. Except as provided in subd. 2. or 3., no later than 60 days after the person
9 purchases or acquires the nonnative wild animal.

10 2. Except as provided in subd. 3., no later than 120 days after the birth of the
11 nonnative wild animal if the person possessed it at the time of its birth.

12 3. No later than the first day of the 24th month beginning after the effective
13 date of this ~~subsection~~ ^{subdivision} [revisor inserts date], if the nonnative wild animal was
14 possessed by the person on the effective date of this ~~subsection~~ ^{subdivision} [revisor inserts
15 date], and has remained in the person's possession since that date.

16 (15) ^{NOTIFICATION AND INFORMATION REQUIREMENTS. (c)} ~~(a)~~ ^(a) A person shall notify the department when the person no longer possesses
17 a nonnative wild animal subject to ~~par. (a)~~ ^{sub. (1)}. The notification shall include the
18 following information:

19 1. The date the person ceased to possess the nonnative wild animal.

20 2. The name, address, and telephone number of any person to whom the
21 nonnative wild animal ^{he} was sold or transferred.

22 3. Whether the nonnative wild animal died, escaped, disappeared, was killed,
23 or was sold or transferred.

24 4. If the nonnative wild animal died or was killed, the manner of disposal of the
25 carcass.

ASSEMBLY BILL 342

1 5. Any additional information that is required by the department by rule.

2 (b) (g) The person shall submit the notification required under par. (a) to the
3 department in the following manner:

4 1. Except as provided in subd. 2., no later than 60 days after the date the person
5 ceases to possess the nonnative wild animal.

6 2. If the nonnative wild animal escaped or disappeared, no later than 24 hours
7 after the person learns of the escape or disappearance.

8 (c) (h) A person shall update or supplement the information the person is required
9 to provide to the department under par. (a) and sub. (4) (a) par. (a) and (h) as soon as practicable after the
10 information changes or new information becomes known to the person.

11 (d) (i) The department shall establish and maintain an electronic database which
12 includes the information provided to the department under move sub. (4) (a) and par. (a) and (c) and
13 par. (a) 2. or sub. (4) (a) 2. The
14 department shall make the database available to the public on its Internet site but
15 shall not include the telephone number of any person provided under par. (d) 2. or
16 par. (a) 2.

17 (f) 2. The department may also exclude additional information by rule.
18 (2) (j) The department shall provide any information submitted by a person under
19 sub. (4) (a) and par. (a) and (c) and sub. (4) (a)
20 par. (d), (f), and (h) to the county clerk of the county in which the nonnative wild

21 animal is possessed within 30 days after receipt of the information by the
22 department, except that the department shall provide the information received
23 under par. (b) 2. as soon as reasonably possible. The county clerk of each county shall

24 disseminate this information in a time and manner established by the county to the
25 county sheriff and to any agency relating to public health, animal control,
26 emergency management, conservation, or and zoning.

27 (k) The department of commerce shall promulgate rules establishing minimum
28 standards for the construction and inspection of the enclosures in which a live nonnative

These agencies
the county clerk considers to be appropriate. ~~Such~~
may include agencies related to

ASSEMBLY BILL 342

1 wild animal subject to ^{sub. (1)} ~~par. (a)~~ ^{is} kept for the purpose of protecting the nonnative
2 wild animal, the public, and wildlife.

3 **SECTION 4.** 169.31 (title) of the statutes is amended to read:

4 **169.31** (title) **License and, tag, and registration fees.**

5 **SECTION 5.** 169.31 (5) of the statutes is created to read:

6 **169.31 (5)** NONNATIVE WILD ANIMAL REGISTRATION FEE. The department shall
7 promulgate a rule establishing a fee for the registration of ^{we} nonnative wild animals
8 under s. ^{169.045(4)(a)} ~~169.04 (4m)(d)~~ in an amount estimated to equal the department's cost of
9 processing registrations, and establishing and maintaining the electronic database
10 under s. ^{169.045(5)(d)} ~~169.04 (4m)(d)~~, and otherwise administering s. ^{169.0945} ~~169.09 (4m)~~. ^{169.0945}

11 **SECTION 6.** 169.36 (9) (b) of the statutes is amended to read:

12 **169.36 (9) (b)** In addition to the requirements under par. (a), the person holding
13 a license subject to this section shall provide a copy of the record required under this
14 section to the department on a quarterly basis, as determined by the department, if
15 the transaction or activity involved any live wild animal of the family canidae,
16 ursidae, mustelidae, or felidae, or any harmful wild animal. This paragraph does not
17 apply to ^{we} nonnative wild animals that are subject to registration under s. ^{169.045} ~~169.04 (4m)~~. ^(a)

18 **SECTION 7.** 169.45 (2m) of the statutes is created to read:

19 **169.45 (2m)** POSSESSION. Subsection (2) and s. ^{939.61} ~~93.61~~ (1) do not apply to a
20 nonnative wild animal possessed in violation of s. ^{169.045} ~~169.04 (4m)~~. ^{INS 6-20}

21 **SECTION 8. Effective date.**

22 (1) This act takes effect on the first day of the 24th month beginning after
23 publication.

24 (END)

0-Note

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0127/?ins
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Insert 2-1

SECTION 1. 20.370 (3) (mu) of the statutes is amended to read:

20.370 (3) (mu) *General program operations — state funds.* The amounts in the schedule for law enforcement operations under ss. 23.09 to 23.11, 90.21, and 166.04 and, under chs. 29, and 30, and under ch. 169, except s. 169.045, and for review of environmental impact requirements under ss. 1.11 and 23.40.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394.

SECTION 2. 23.50 (1) of the statutes is amended to read:

23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2), subch. VI of ch. 77, this chapter, and chs. 26 to 31, ~~ch. 169~~, and ch. 350, and any administrative rules promulgated thereunder, violations of ch. 169, except s. 169.045, violations specified under s. 285.86, violations of ch. 951 if the animal involved is a captive wild animal, violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k), violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

NOTE: NOTE: Sub. (1) is amended eff. 6-1-08 by 2005 Wis. Act 360 to read: **NOTE:**

SECTION 3. 23.65 (1) of the statutes is amended to read:

23.65 (1) When it appears to the district attorney that a violation of s. 90.21, 134.60, 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 or 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31, 169, or 350, or any administrative rule promulgated pursuant thereto, a violation of ch. 169, except s. 169.045, a violation specified under s. 285.86, or a violation of ch. 951, if the animal involved is a captive wild animal, has been committed the district attorney may proceed by complaint and summons.

History: 1975 c. 365; 1979 c. 175; 1981 c. 390; 1989 a. 284, 335, 359; 1991 a. 97; 1993 a. 16, 243, 344, 491; 1995 a. 227, 290; 1997 a. 35; 1999 a. 9; 2001 a. 56.

Insert 6-20

SECTION 4. 169.37 (1) (intro.) of the statutes is amended to read:

169.37 (1) DEPARTMENTAL AUTHORITY. (intro.) For Except as provided in s. 169.425, for purposes of enforcing this chapter and the rules promulgated under this chapter with respect to a person who is required to have a license or maintain records under this chapter, a conservation warden or representative of the department, upon presenting his or her credentials to that person, may do any of the following:

History: 2001 a. 56.

SECTION 5. 169.42 (1) (intro.) of the statutes is amended to read:

169.42 (1) INTAKE OF WILD ANIMALS. A Except as provided in s. 169.425, a conservation warden may take into custody a wild animal that is subject to regulation under this chapter on behalf of the department if the conservation warden has reasonable grounds to believe that the wild animal is one of the following:

SECTION 6. 169.425 of the statutes is created to read:

169.425 **Live nonnative wild animals.** A conservation warden or a representative of the department may not act under the authority of s. 169.37 or 169.42 for purposes of enforcing s. 169.045. Law enforcement officers authorized to act under ch. 951 and humane officers appointed under s. 173.10 shall have the same

1 powers and duties that conservation wardens and the department have under ss.
2 169.37 and 169.42.

3 **SECTION 7.** 169.45 (2m) of the statutes is created to read:

4 169.45 (2m) POSSESSION OF CERTAIN NONNATIVE WILD ANIMALS. (a) Except as
5 provided under par. (b), for possessing a live nonnative wild animal under s. 169.045,
6 a person shall forfeit not less than \$100.

7 (b) 1. For a violation under s. 169.045, if the alleged violator has not previously
8 received a warning notice for a violation of the same statutory provision, an officer
9 authorized to enforce s. 169.045 shall issue the violator a warning notice in lieu of
10 a citation.

11 2. The warning notice under subd. 1. shall inform the alleged violator of the
12 action the alleged violator is required to take to be in compliance with the applicable
13 statutory provision. If the warning notice requires the alleged violator to remedy the
14 effects of the violation, the alleged violator has 30 days to do so. An officer authorized
15 to enforce s. 169.045 may subsequently issue a citation only if the alleged violator
16 fails to comply with the warning notice within the 30-day period.

17 3. An officer issuing a warning notice under subd. 2. shall inform the
18 department of the fact within 30 days after issuing the notice. The department shall
19 record the issuances of warning notices for purposes of this paragraph.

20 History: 1989 a. 31.

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

PI
LRBs0127/?dn
MGG:lgf

Date

Attention: Larry Konopacki

1. For readability purposes, I felt it necessary to move s. 169.04 (4m) to a separate section since those provisions are now exempt from the DNR enforcement provisions. ✓
2. Please take a look at s. 169.45 (6). I think noncompliance with s. 169.045 could result in the revocation of the "privilege" of keeping wild animals subject to s. 169.045. OK? ✓

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBs0127/P1
MGG:lmk&kjf:wnw

✓ stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2007 SENATE BILL 342

1 AN ACT *to amend* 20.370 (3) (mu), 23.50 (1), 23.65 (1), 169.04 (4) (b) (intro.),
2 169.31 (title), 169.36 (9) (b), 169.37 (1) (intro.) and 169.42 (1) (intro.); and *to*
3 *create* 169.01 (25r), 169.045, 169.31 (5), 169.425 and 169.45 (2m) of the
4 statutes; **relating to:** possession of certain nonnative wild animals, providing
5 a penalty, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 20.370 (3) (mu) of the statutes is amended to read:

7 20.370 (3) (mu) *General program operations — state funds.* The amounts in
8 the schedule for law enforcement operations under ss. 23.09 to 23.11, 90.21, and
9 166.04 and, under chs. 29, and 30, and under ch. 169, except s. 169.045, and for
10 review of environmental impact requirements under ss. 1.11 and 23.40.

1 **SECTION 2.** 23.50 (1) of the statutes, as affected by 2005 Wisconsin Act 360, is
2 amended to read:

3 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
4 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,
5 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5),
6 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2),
7 subch. VI of ch. 77, this chapter, and chs. 26 to 31, ~~ch. 169~~, and ch. 350, and any
8 administrative rules promulgated thereunder, violations of ch. 169, except s.
9 169.045, violations specified under s. 280.98 (2) or 285.86, violations of ch. 951 if the
10 animal involved is a captive wild animal, violations of rules of the Kickapoo reserve
11 management board under s. 41.41 (7) (k), violations to which s. 299.85 (7) (a) 2. or
12 4. applies, or violations of local ordinances enacted by any local authority in
13 accordance with s. 23.33 (11) (am) or 30.77.

14 **SECTION 3.** 23.65 (1) of the statutes is amended to read:

15 23.65 (1) When it appears to the district attorney that a violation of s. 90.21,
16 134.60, 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08,
17 287.81 or 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31, ~~169~~, or 350, or any
18 administrative rule promulgated pursuant thereto, a violation of ch. 169, except s.
19 169.045, a violation specified under s. 285.86, or a violation of ch. 951, if the animal
20 involved is a captive wild animal, has been committed the district attorney may
21 proceed by complaint and summons.

22 **SECTION 4.** 169.01 (25r) of the statutes is created to read:

23 169.01 (25r) "Physical injury" means lacerations, fractured bones, internal
24 injuries, severe bruising, great bodily harm as defined in s. 939.22 (14), or death.

25 **SECTION 5.** 169.04 (4) (b) (intro.) of the statutes is amended to read:

1 169.04 (4) (b) (intro.) ~~A~~ Subject to s. 169.045, a person is exempt from holding
2 a license or other approval as required under this chapter to possess live nonnative
3 wild animals that are not endangered or threatened species, except for any of the
4 following:

5 **SECTION 6.** 169.045 of the statutes is created to read:

6 **169.045 Possession of nonnative wild animals; registration. (1)**

7 REGISTRATION REQUIRED. (a) A person shall register with the department each live
8 nonnative wild animal that the person possesses that is an exempt live nonnative
9 wild animal under par. (b) that is not designated as a harmful wild animal under s.
10 169.11 (1) (a) or under the rules promulgated under that paragraph and that is one
11 of the following or a hybrid of one or more of the following:

12 1. A lion.

13 2. A tiger.

14 3. A leopard.

15 4. A snow leopard.

16 5. A clouded leopard.

17 6. A jaguar.

18 7. A cheetah.

19 8. A puma.

20 (b) ~~Other wild animals.~~ In addition to the wild animals listed under par. (a),
21 the department may designate by rule additional live nonnative wild animals, or
22 hybrids thereof, for which registration is required under this section.

23 **(2) PHOTOGRAPHING; FILMING.** No person may charge a fee for photographing or
24 filming a live nonnative wild animal subject to sub. (1).

1 (3) TEMPORARY POSSESSION. Subsection (1) does not apply to live nonnative wild
2 animals temporarily possessed for a period not to exceed 24 hours for any of the
3 purposes described under s. 169.04 (2) (a) 1. to 3.

4 (4) REGISTRATION REQUIREMENTS. (a) A person who possesses a live nonnative
5 wild animal subject to sub. (1) shall register the nonnative wild animal and shall
6 provide all of the following information to the department for each nonnative wild
7 animal:

8 1. The registrant's complete legal name and any trade name under which the
9 registrant possesses the nonnative wild animal.

10 2. The registrant's address and telephone number.

11 3. The address and legal description of the location at which the registrant
12 possesses the nonnative wild animal.

13 4. The species of the nonnative wild animal.

14 5. The date of birth of the nonnative wild animal, or the approximate date of
15 birth if the date of birth is unknown.

16 6. The date that the registrant took possession of the nonnative wild animal.

17 7. The name, address, and telephone number of the person from whom the
18 registrant purchased or acquired the nonnative wild animal. If the registrant did not
19 purchase or acquire the nonnative wild animal from another person, the manner in
20 which the registrant took possession of the nonnative wild animal.

21 8. To the best of the registrant's knowledge, a detailed description of the extent
22 of any physical injury caused by the nonnative wild animal to any individual at any
23 time during or prior to the registrant possessing the nonnative wild animal, and the
24 circumstances surrounding the physical injury.

25 9. Any additional information that is required by the department by rule.

1 (b) A person shall submit the registration under par. (a) and the required fee
2 under s. 169.31 (5) to the department in the following manner:

3 1. Except as provided in subd. 2. or 3., no later than 60 days after the person
4 purchases or acquires the nonnative wild animal.

5 2. Except as provided in subd. 3., no later than 120 days after the birth of the
6 nonnative wild animal if the person possessed it at the time of its birth.

7 3. No later than the first day of the 24th month beginning after the effective
8 date of this subdivision [revisor inserts date], if the nonnative wild animal was
9 possessed by the person on the effective date of this subdivision [revisor inserts
10 date], and has remained in the person's possession since that date.

11 (5) NOTIFICATION AND INFORMATION REQUIREMENTS. (a) A person shall notify the
12 department when the person no longer possesses a nonnative wild animal subject to
13 sub. (1). The notification shall include the following information:

14 1. The date the person ceased to possess the nonnative wild animal.

15 2. The name, address, and telephone number of any person to whom the
16 nonnative wild animal was sold or transferred.

17 3. Whether the nonnative wild animal died, escaped, disappeared, was killed,
18 or was sold or transferred.

19 4. If the nonnative wild animal died or was killed, the manner of disposal of the
20 carcass.

21 5. Any additional information that is required by the department by rule.

22 (b) The person shall submit the notification required under par. (a) to the
23 department in the following manner:

24 1. Except as provided in subd. 2., no later than 60 days after the date the person
25 ceases to possess the nonnative wild animal.

1 2. If the nonnative wild animal escaped or disappeared, no later than 24 hours
2 after the person learns of the escape or disappearance.

3 (c) A person shall update or supplement the information the person is required
4 to provide to the department under par. (a) and sub. (4) (a) as soon as practicable after
5 the information changes or new information becomes known to the person.

6 (d) The department shall establish and maintain an electronic database which
7 includes the information provided to the department under pars. (a) and (c) and sub.
8 (4) (a). The department shall make the database available to the public on its
9 Internet site but shall not include the telephone number of any person provided
10 under par. (a) 2. or sub. (4) (a) 2. The department may also exclude additional
11 information by rule.

12 (e) The department shall provide any information submitted by a person under
13 pars. (a) and (c) and sub. (4) (a) to the county clerk of the county in which the
14 nonnative wild animal is possessed within 30 days after receipt of the information
15 by the department, except that the department shall provide the information
16 received under par. (b) 2. as soon as reasonably possible. The county clerk of each
17 county shall disseminate this information in a time and manner established by the
18 county to the county sheriff and to any county agencies the county clerk considers
19 to be appropriate. These agencies may include agencies related to public health,
20 animal control, emergency management, conservation, or zoning.

21 **(6) RULES FOR ENCLOSURES.** The department of commerce shall promulgate
22 rules establishing minimum standards for the construction and inspection of the
23 enclosures in which a live nonnative wild animal subject to sub. (1) is kept for the
24 purpose of protecting the nonnative wild animal, the public, and wildlife.

25 **SECTION 7.** 169.31 (title) of the statutes is amended to read:

1 **169.31 (title) License and, tag, and registration fees.**

2 **SECTION 8.** 169.31 (5) of the statutes is created to read:

3 169.31 (5) NONNATIVE WILD ANIMAL REGISTRATION FEE. The department shall
4 promulgate a rule establishing a fee for the registration of live nonnative wild
5 animals under s. 169.045 (4) (a) in an amount estimated to equal the department's
6 cost of processing registrations, and establishing and maintaining the electronic
7 database under s. 169.045 (5) (d), and otherwise administering s. 169.0945.

8 **SECTION 9.** 169.36 (9) (b) of the statutes is amended to read:

9 169.36 (9) (b) In addition to the requirements under par. (a), the person holding
10 a license subject to this section shall provide a copy of the record required under this
11 section to the department on a quarterly basis, as determined by the department, if
12 the transaction or activity involved any live wild animal of the family canidae,
13 ursidae, mustelidae, or felidae, or any harmful wild animal. This paragraph does not
14 apply to live nonnative wild animals that are subject to registration under s. 169.045.

15 **SECTION 10.** 169.37 (1) (intro.) of the statutes is amended to read:

16 169.37 (1) DEPARTMENTAL AUTHORITY. (intro.) ~~For~~ Except as provided in s.
17 169.425, for purposes of enforcing this chapter and the rules promulgated under this
18 chapter with respect to a person who is required to have a license or maintain records
19 under this chapter, a conservation warden or representative of the department, upon
20 presenting his or her credentials to that person, may do any of the following:

21 **SECTION 11.** 169.42 (1) (intro.) of the statutes is amended to read:

22 169.42 (1) INTAKE OF WILD ANIMALS. (intro.) ~~A~~ Except as provided in s. 169.425,
23 a conservation warden may take into custody a wild animal that is subject to
24 regulation under this chapter on behalf of the department if the conservation warden
25 has reasonable grounds to believe that the wild animal is one of the following:

*Instead, for purposes of
enforcing s. 169.045,*

SECTION 12. 169.425 of the statutes is created to read:

Enforcement;
169.425 **Live nonnative wild animals.** A conservation warden ^s or a ^{and}
representative of the department may not act under the authority of s. 169.37 or
169.42 for purposes of enforcing s. 169.045. Law enforcement officers authorized to
act under ch. 951 and humane officers appointed under s. 173.10 shall have the same
powers and duties that conservation wardens and the department have under ss.
169.37 and 169.42.

SECTION 13. 169.45 (2m) of the statutes is created to read:

169.45 (2m) POSSESSION OF CERTAIN NONNATIVE WILD ANIMALS. (a) Except as
provided under par. (b), for possessing a live nonnative wild animal under s. 169.045,
a person shall forfeit not less than \$100.

(b) 1. For a violation under s. 169.045, if the alleged violator has not previously
received a warning notice for a violation of the same statutory provision, an officer
authorized to enforce s. 169.045 shall issue the violator a warning notice in lieu of
a citation.

2. The warning notice under subd. 1. shall inform the alleged violator of the
action the alleged violator is required to take to be in compliance with the applicable
statutory provision. If the warning notice requires the alleged violator to remedy the
effects of the violation, the alleged violator has 30 days to do so. An officer authorized
to enforce s. 169.045 may subsequently issue a citation only if the alleged violator
fails to comply with the warning notice within the 30-day period.

3. An officer issuing a warning notice under subd. 2. shall inform the
department of the fact within 30 days after issuing the notice. The department shall
record the issuances of warning notices for purposes of this paragraph.

Section 12
SECTION 14. Effective date.

← INS 8-24

1 (1) This act takes effect on the first day of the 24th month beginning after
2 publication.

3 (END)

D-Note

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0127/P1insB
MGG:.....

Insert 8-24

(c) Subsection (2) does not apply to a live nonnative wild animal possessed in violation of s. 169.045.

SECTION 1. 169.45 (4) of the statutes is amended to read:

169.45 (4) DIMINISHED PENALTIES. No penalty imposed under sub. (2) or (2m) shall be held to be diminished because the violation for which it is imposed falls also within the scope of a more general prohibition.

History: 2001 a. 56, 105.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0127/P1dn
MGG:kjf:awn

September 4, 2007

and (8)

Attention: Larry Konopacki

1. For readability purposes, I felt it necessary to move s. 169.04 (4m) to a separate section since those provisions are now exempt from the DNR enforcement provisions.
2. Please take a look at s. 169.45 (6). I think noncompliance with s. 169.045 could result in the revocation of the "privilege" of keeping wild animals subject to s. 169.045. OK?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

or suspension

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0127/P1dn
MGG:kjf:wn

September 5, 2007

Attention: Larry Konopacki

1. For readability purposes, I felt it necessary to move s. 169.04 (4m) to a separate section since those provisions are now exempt from the DNR enforcement provisions.
2. Please take a look at s. 169.45 (6) and (8). I think noncompliance with s. 169.045 could result in the revocation or suspension of the "privilege" of keeping wild animals subject to s. 169.045. OK?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Konopacki, Larry

From: skalbers [skalbers@rucls.net]
Sent: Wednesday, September 19, 2007 5:14 PM
To: Konopacki, Larry
Subject: FW: Amendment to AB 342 (Big Cats)
Importance: High

From: skalbers [mailto:skalbers@rucls.net]
Sent: Wednesday, September 19, 2007 11:08 AM
To: 'Griffiths, Terri'; 'larry.konopacki@legis.wisconsin.gov'
Subject: FW: Amendment to AB 342 (Big Cats)
Importance: High

From: Griffiths, Terri [mailto:Terri.Griffiths@legis.wisconsin.gov]
Sent: Wednesday, September 19, 2007 9:35 AM
To: skalbers
Subject: FW: Amendment to AB 342 (Big Cats)
Importance: High

Passing this on at Larry Konopacki's request.

From: Konopacki, Larry
Sent: Tuesday, September 18, 2007 4:26 PM
To: Griffiths, Terri
Subject: Amendment to AB 342 (Big Cats)

Terri, would you please pass the following on to Rep. Albers regarding AB 342? Thanks.

Good afternoon Representative Albers,

As I understood our conversation regarding AB 342, you would like the following changes to be made to the bill:

1. Exempt those who are licensed and regularly inspected under the federal Animal Welfare Act (AWA) by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) from the general registration requirements and the requirements for the submission of information to the department under this bill. Require the USDA-APHIS license holder to submit a copy of each inspection report received from USDA-APHIS to the county clerk of each county in which the license holder possesses an animal listed under the bill. Require this report to be disseminated among county agencies in the same manner as the information provided pursuant to the registration system under the current bill.

3 types
of licenses
Animal
Welfare
USDA
website

D-N
a licensed
and regularly
inspected
Federal
animal
welfare
act

9/20/2007

2. Limit the application of the prohibition against charging a fee for photographing or filming an animal so that it does not apply to these USDA-APHIS license holders.

In addition, Mary has asked that we work off of the substitute amendment for further changes. I have the following questions for you regarding the sub:

1. The sub. allows the DNR to designate additional animals to be subject to the registration requirements of the bill. Do you want the DNR to have to make particular findings about an animal to be able to so designate it? For instance, do you want the DNR to have to find that the animal is inherently dangerous, capable of causing serious harm to a person, or make other particular findings? LET'S BE CLEAR HERE - DNR CAN ADD ~~ONLY NON-LIVESTOCK TYPES~~ THAT ARE FOUND TO BE INHERENTLY DANGEROUS OR WHICH ARE KNOWN TO CAUSE INJURY TO HUMANS.

2. The language regarding to which agencies the county clerk is required to pass animal registration information, which is a mandatory list under the original bill, has been changed to the following in the sub:

"The county clerk of each county shall disseminate this information in a time and manner established by the county to the county sheriff and to any county agencies the county clerk considers to be appropriate. These agencies may include agencies related to public health, animal control, emergency management, conservation, or zoning." GOOD LANGUAGE

Does this capture your intent? YES

3. The transition from DNR enforcement under the original bill to general law enforcement officer authority to enforce, and the processing of violations through circuit court, has proven to be complicated. The following question relates to this transition:

a. Under the captive wildlife chapter (ch. 169), in which this legislation would place these new requirements, conservation wardens generally have the authority to enter and inspect a facility and to review certain records. The sub. clarifies that a conservation warden does not have such authority for operations covered by this legislation. THIS IS GOOD BECAUSE OTHERWISE A DNR WARDEN COULD ENTER ANY HOME THEY THOUGHT OR SUSPECTED TO HARBOR AN ANIMAL WHICH DNR PUTS ON THE LIST.... Also under the captive wildlife chapter, conservation wardens have the authority to take custody of wild animals subject to regulation under that chapter if the warden has reasonable grounds to believe that the wild animal is one of the following:

- i. An abandoned or stray captive wild animal.
- ii. An unwanted captive wild animal delivered to the conservation warden.
- iii. A wild animal possessed, taken, introduced, stocked, released, exhibited, propagated, rehabilitated, hunted, sold, or purchased in violation of ch. 169, any rule promulgated under that chapter, or any ordinance enacted under s. 169.43, which provides municipalities and counties with the authority to enact an ordinance prohibiting the possession or selling of live wild animals.
- iv. A captive wild animal that is not confined as required by a quarantine under s. 93.07 (10) or any rule or ordinance relating to the control of any animal disease.
- v. A captive wild animal that has caused damage to persons or property.
- vi. A participant in an animal fight intentionally instigated by any person.

The sub. would prevent a conservation warden from using this authority for animals regulated under the bill, and instead allow law enforcement officers and humane officers to exercise these powers. Is this your intent? YES

4. The penalty provisions of the sub. require a law enforcement officer to issue a warning notice if the violator has not previously received one, and allow the violator 30 days to comply. After such a warning notice has been issued, if a person still does not comply, a citation may be issued. Does this meet with your intent? WHAT WILL THE WARNING NOTICE SAY? YOU HAVE FAILED TO REGISTER WITH THE DNR THAT YOU KEEP AN INHERENTLY DANGEROUS ANIMAL ON YOUR PREMISIS. YOU HAVE 30 DAYS TO COME INTO COMPLIANCE. IF YOU FAIL TO DO SO, YOU WILL BE SUBJECT TO [MISDEMEANOR CHARGES ? UNDER CHAPTER _____,] , AND IF YOU FAIL TO TAKE APPROPRIATE ACTION TO REGISTER ONCE THIRTY DAYS HAVING ELAPSED, COULD RESULT IN CONFISCATION OF THE ANIMAL. TO RECOUP THE ANIMAL, PAY ALL COSTS OF CARE. IN ADDITION, WAIVE GOVT LIABILITY FOR DELAYED RESPONSE

SEEMS TO ME THAT THE LAW SHOULD GO ONE STEP FURTHER, CONFICATION IF THEY FAIL TO REGISTER AFTER 30 DAY PERIOD HAS ELAPSED OR AND WAIVER OF THE 50,000 GOVT LIABILITY (CAP) SHOULD RESPONSE BY GOVT OFFI CIALS BE HAMPERED DUE TO ANIMALS.

Thank you,

Larry Konopacki

Larry Konopacki
Wisconsin Legislative Council
608-267-0683
larry.konopacki@legis.wisconsin.gov

9/20/2007

Gibson-Glass, Mary

From: Konopacki, Larry
Sent: Tuesday, September 18, 2007 4:26 PM
To: Gibson-Glass, Mary
Subject: RE: Representative Albers' substitute amendment

Hi Mary,

A few points/questions on the big cats sub.:

- ✓ 1. The creation of a new section and addition of headings greatly improved the readability of this legislation.
2. The use of the ch. 951 law enforcement officer reference appears to be a great fit for what Rep. Albers has asked for. However, while these law enforcement officers are authorized to exercise ss. 169.37 and 169.42 authority, I do not see where law enforcement officers are authorized to issue citations. Is this implied by Section 12 of the sub.? It appears to me that the DA would be the only one who could initiate an action against a violator under the sub.
- ✓ 3. Does the sub. direct that these citations are to be processed in circuit court instead of in municipal court?
- ✓ 4. On page 7, line 7, I think that the last reference should be to 169.045 instead of 169.0945.
5. On page 8, line 11, should the penalty be "not more than" \$100 instead of "not less than?"
6. It was my understanding that Rep. Albers wanted a higher penalty for second and subsequent offenses.

Also, note that additional changes will soon be requested by Rep. Albers. I am working with her to hone down these new requests to make them as specific as possible for you. This bill was pulled from last week's hearing and has been rescheduled for a hearing next week, on the 26th.

From: Gibson-Glass, Mary
Sent: Thursday, September 06, 2007 9:13 AM
To: Konopacki, Larry
Subject: Representative Albers' substitute amendment

<< File: 07s0127/P1dn >> << File: 07s0127/P1 >>

Larry,

Here are copies of the draft and drafter's note submitted to Representative Albers. It will be helpful, for the penalty provision, that you work off this draft to determine what changes she wants.

Thanks,

Mary Gibson-Glass
Senior Legislative Attorney
Legislative Reference Bureau
608 267 3215

(9) WILD ANIMALS SUBJECT TO FEDERAL REGULATION. (a) This section does not apply to nonnative wild animals possessed by persons who are licensed to possess those wild animals under 7 USC 2131 to 2159.

(b) This section does not apply to nonnative wild animals kept in facilities that are inspected under 7 USC 2131 to 2159.

(c) Each person receiving inspection reports under 7 USC 2131 to 2159 shall forward copies to the county clerk of the county in which the nonnative wild animals are possessed. The county clerk of each county shall disseminate these reports in the manner provided in sub. (6) (e).

SECTION 6. 169.31 (title) of the statutes is amended to read:

169.31 (title) License and, tag, and registration fees.

SECTION 7. 169.31 (5) of the statutes is created to read:

169.31 (5) NONNATIVE WILD ANIMAL REGISTRATION FEE. The department shall promulgate a rule establishing a fee for the registration of live nonnative wild animals under s. 169.045 (5) (a) in an amount estimated to equal the department's cost of processing registrations, and establishing and maintaining the electronic database under s. 169.045 (5) (d), and otherwise administering s. ^{169.045} ~~169.04~~.

SECTION 8. 169.36 (9) (b) of the statutes is amended to read:

169.36 (9) (b) In addition to the requirements under par. (a), the person holding a license subject to this section shall provide a copy of the record required under this section to the department on a quarterly basis, as determined by the department, if the transaction or activity involved any live wild animal of the family canidae, ursidae, mustelidae, or felidae, or any harmful wild animal. This paragraph does not apply to live nonnative wild animals that are subject to registration under s. 169.045.

SECTION 9. 169.37 (1) (intro.) of the statutes is amended to read:

1 169.37 (1) DEPARTMENTAL AUTHORITY. (intro.) ~~For~~ Except as provided in s.
2 169.425, for purposes of enforcing this chapter and the rules promulgated under this
3 chapter with respect to a person who is required to have a license or maintain records
4 under this chapter, a conservation warden or representative of the department, upon
5 presenting his or her credentials to that person, may do any of the following:

6 **SECTION 10.** 169.42 (1) (intro.) of the statutes is amended to read:

7 169.42 (1) INTAKE OF WILD ANIMALS. (intro.) ~~A~~ Except as provided in s. 169.425,
8 a conservation warden may take into custody a wild animal that is subject to
9 regulation under this chapter on behalf of the department if the conservation warden
10 has reasonable grounds to believe that the wild animal is one of the following:

11 **SECTION 11.** 169.425 of the statutes is created to read:

12 **169.425 Enforcement; live nonnative wild animals.** Conservation
13 wardens and representatives of the department may not act under the authority of
14 s. 169.37 or 169.42 for purposes of enforcing s. 169.045 or any rules promulgated
15 under s. 169.045. Instead, for purposes of enforcing s. 169.045 or any rules
16 promulgated under s. 169.045, law enforcement officers authorized to act under ch.
17 951 and humane officers shall have the same powers and duties that conservation
18 wardens and the department have under ss. 169.37 and 169.42 and may use the
19 citation procedure under s. 778.25.

20 **SECTION 12.** 169.45 (2m) of the statutes is created to read:

21 169.45 (2m) POSSESSION OF CERTAIN NONNATIVE WILD ANIMALS. (a) Except as
22 provided in par. (b), for possessing a live nonnative wild animal in violation of s.
23 169.045, or any rule promulgated under s. 169.045 a person shall forfeit not more
24 than \$100.